

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision



Name of Offender: Mark Dale Petty Case Number: 0980 2:13CR02092-LRS-30
Address of Offender: [REDACTED] Zillah, Washington 98953
Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge
Date of Original Sentence: May 22, 2014
Original Offense: Theft from Gaming Establishment in Excess of \$1,000, 18 U.S.C. § 1167(b) and 2
Original Sentence: Prison - 60 days Type of Supervision: Supervised Release
TSR - 36 days
Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: July 19, 2014
Defense Attorney: Federal Defender's Office Date Supervision Expires: July 18, 2017

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Mandatory Condition #3:</u> The defendant shall not illegally possess a controlled substance.
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Supporting Evidence: According to Yakima Police Department report number 17Y008235, dated February 27, 2017, at approximately 1655 hours officers were dispatched to Lowe's home improvement store in Yakima, Washington, in regards to a male using drugs in his vehicle. Upon arrival, an officer observed the male in a Ford pickup truck consuming an unknown substance. The male was identified as Mark Petty and he was detained. Mr. Petty was advised of his Miranda warnings. He spoke with the officer and admitted to having smoked heroin. He went on to say that he purchased \$30 worth and it was nearly all gone. He agreed to have his vehicle searched. A plastic tube Mr. Petty used to inhale the smoke and two pieces of foil were recovered in the driver's side of the vehicle. Mr. Petty agreed to a search of the entire vehicle and located in the center console was a plastic bag containing a substance believed to be heroin, more foil, and a plastic tube. He was questioned further and admitted to having just purchased the substance for approximately \$200. He was transported to the Yakima Police Department. The substance weighed in at 3.2 grams, and tested positive for containing heroin. The substance was tagged into evidence and Mr. Petty was released pending further investigation.

Re: Petty, Mark Dale

May 18, 2017

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2 **Special Condition # 17:** You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Petty is in non-compliance with his chemical dependency treatment plan. On May 4, 2017, this officer received notice from Comprehensive Healthcare methadone medication assisted treatment program stating that Mr. Petty failed to show for appointments scheduled on April 7 and 14, 2017, and that he had continued to submit positive urinalysis (UA) specimens for opioids. His last recorded positive UA for opioids was on April 10, 2017.

3 **Special Condition # 18:** You shall abstain from the use of illegal controlled substances, and shall submit to testing (which may include urinalysis or sweat patch), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Per Mr. Petty's above referenced condition of supervised release, he was instructed to submit to UA testing on May 3, 2017. Mr. Petty provided a specimen for UA testing which showed presumptive positive for opiates. The specimen was sent to the lab for confirmation. On May 6, 2017, the test results were confirmed positive for codeine, hydromorphone, and morphine.

On May 11, 2017, Mr. Petty was instructed to submit to UA testing. He provided a specimen for testing which showed presumptive positive for opiates. The specimen was sent to the lab for confirmation. On May 15, 2017, the test results were confirmed positive for codeine, hydromorphone, and morphine.

The U.S. Probation Office respectfully recommends the Court issue a **warrant** for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: May 18, 2017

s/Arturo Santana

Arturo Santana
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer

5/18/17
Date